

Mary-Lee Kimber Smith



Disability Rights Advocates

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Practice Type:
Impact litigation

Specialty:
Civil rights

Smith serves as lead plaintiff counsel in a case alleging that the Contra Costa County's Juvenile Hall is violating the rights of children with disabilities by keeping them locked up in solitary confinement.

In some cases, she said, the children are confined for up to 23 hours a day, some of them for more than 100 days a year. *G.F., et al, v. Contra Costa County, et al*, C13-3667 (N.D. Cal., filed Aug. 8, 2013).

"While they're in confinement, they are denied rehabilitation and education, and their disabilities become worse," Smith said. "The conditions are appalling."

The complaint also alleges that, even when the children are not in solitary confinement, the education in Juvenile Hall is inadequate.

The U.S. Departments of Justice and Education have filed a statement of interest in support of plaintiffs' opposition to defendants' motions to dismiss, Smith said.

The case is in its early stages, but Smith said that she hopes it will have a substantial impact, "setting an example for other juvenile halls across the country."

"Maybe this case can be part of a larger national debate," she added. "Do we want to be putting such a vulnerable population in a place that

makes them worse?"

Smith also has been expanding her efforts following the success that she had in a case alleging that the city and county of Los Angeles failed to meet the needs of residents with disabilities during disasters. *Communities Actively Living Independent and Free, et al, v. City of Los Angeles, et al*, CV-09-0287 (C.D. Cal., filed Jan. 14, 2009).

In a landmark ruling in 2011, a district court held that the Americans with Disabilities Act applied to disaster planning, Smith said, and that the city had violated the ADA in failing to address the needs of those with disabilities in its disaster plans.

The city now has a remedial framework that it must follow in revising its emergency plans and is working with a mutually agreed upon expert to accomplish that, Smith said.

The county opted to enter into a settlement with plaintiffs as opposed to litigating the issue, she added.

Smith also is working with the county of Maricopa in Arizona, and beginning work with the city of Phoenix in ensuring that their emergency plans meet the needs of the disabled.

— Pat Broderick